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HOUSE BILL 432

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL ATHLETICS
EQUITY ACT; ENSURING GENDER EQUITY IN SPORTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"School Athletics Equity Act".

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the School
Athletics Equity Act:

A. "public school" means that part of a school
district that is a single attendance center in which
instruction is offered by one or more teachers and that is

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1 discernible as a building or group of buildings generally
2 recognized as an elementary, middle, junior high or high school
3 or any combination of those and applies only to grades six
4 through twelve; "public school" includes a charter school; and

5 B. "Title 9" means federal Public Law 92-318, Title
6 9, of the Education Amendments of 1972, which is codified at 20
7 U.S.C 1681, et seq."

8 Section 3. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] REPORTING COMPLIANCE WITH TITLE 9.--The
11 department shall prepare a written questionnaire to enable
12 school districts to gather information from public schools to
13 ensure and report compliance with Title 9's athletics
14 requirements. Each school district shall submit the completed
15 questionnaires for each public school in its jurisdiction
16 annually to the department. The questionnaires shall include:

17 A. the following information pertaining to
18 enrollment:

19 (1) the prior year's total student enrollment
20 in each public school as an average of enrollment at the
21 fortieth, eightieth and one hundred twentieth days of the
22 school year;

23 (2) student enrollment by gender;

24 (3) total number of students participating in
25 athletics;

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- 1 (4) athletics participation by gender;
- 2 (5) the number of boys' teams and girls' teams
- 3 by sport and by competition level, such as intramural, junior
- 4 varsity and varsity; and
- 5 (6) graduation rates by gender;

6 B. the following information pertaining to athletic
7 directors, coaches, academic tutors and other school personnel:

- 8 (1) the name and gender of each public
- 9 school's athletic director or directors;
- 10 (2) the name of each team's coaches, academic
- 11 tutors and other team personnel, with their gender, job title
- 12 and employment status, such as full-time, part-time, contract
- 13 or seasonal, specified;
- 14 (3) the coach-to-athlete and staff-to-athlete
- 15 ratio for each team;
- 16 (4) the average annual salary or stipend for
- 17 coaches of boys' teams and for coaches of girls' teams for each
- 18 public school;
- 19 (5) the academic tutors provided for the
- 20 members of each team; and
- 21 (6) the name, credentials and compensation for
- 22 referees and other persons that officiate at competitions;

23 C. an accounting of the funding sources that are
24 used to support the school's athletic programs and to which
25 teams those funds are allocated; funding sources include state

1 funding, federal funding, fundraising or booster clubs, game
2 and concession receipts, gate receipts, cash or in-kind
3 donations, grants and any other source;

4 D. the following information regarding public
5 school expenses, including:

6 (1) any capital outlay expenditures for each
7 public school's athletic programs;

8 (2) the budgets for each public school's
9 athletics program; and

10 (3) the budgets for individual teams,
11 including travel expenses such as transportation, meal
12 allowances and overnight accommodations; equipment; uniforms;
13 facilities; facilities improvements; publicity expenses such as
14 press guides, press releases, game programs and publicity
15 personnel; awards; banquets; coaching or other athletic staff
16 salaries or stipends; insurance; and any other expenses
17 incurred by each team; and

18 E. an evaluation of the provision of benefits and
19 services to girls' teams and to boys' teams, including:

20 (1) equipment, uniforms and supplies;

21 (2) access to practice times and to game
22 times;

23 (3) travel and per diem allowances;

24 (4) opportunities to receive coaching and
25 academic tutoring;

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1 (5) assignment and compensation of coaches and
2 tutors;

3 (6) access to locker rooms, weight rooms and
4 practice, competitive and training facilities;

5 (7) publicity for team events; and

6 (8) assistance in obtaining scholarships."

7 Section 4. A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] EFFECTIVE DATE AND TIMING OF REPORTS.--The
10 questionnaires required pursuant to Section 3 of the School
11 Athletics Equity Act shall be developed and distributed to each
12 school district no later than October 1, 2009. Each school
13 district shall compile and return the completed questionnaires
14 from each public school under its jurisdiction to the
15 department with information for the 2008-2009 school year no
16 later than January 15, 2010. In subsequent years, the
17 questionnaires described in Section 3 of the School Athletics
18 Equity Act shall be provided on an annual basis to each school
19 district no later than March 1 and shall be completed and
20 returned to the department by June 30 of that year."

21 Section 5. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] STUDENT INTEREST SURVEY.--To ensure that
24 the selection of sports and levels of competition effectively
25 accommodate the interests and abilities of members of both

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1 sexes, the department shall design and disseminate to school
2 districts a student interest survey to determine which sports
3 most appeal to the student body as a whole and to the student
4 body by gender at each public school. Each public school shall
5 survey its student body at least every other academic year and
6 shall provide the results of the survey to the school district.
7 Each school district shall compile the results and provide the
8 results to the department. The department shall then compile a
9 statewide report."

10 Section 6. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] DISCLOSURE TO STUDENTS AND PUBLIC.--

13 A. Each public school shall make available to the
14 public questionnaires and surveys prepared pursuant to the
15 School Athletics Equity Act and all materials relied upon to
16 complete the questionnaires. Each public school shall inform
17 all students at the public school of their right to information
18 compiled pursuant to the School Athletics Equity Act.

19 B. The department shall make the following
20 information available publicly:

21 (1) each public school's completed
22 questionnaire regarding Title 9 compliance completed pursuant
23 to Section 3 of the School Athletics Equity Act;

24 (2) each public school's student interest
25 surveys; and

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1 (3) a list of public schools that did not
2 submit fully completed questionnaires.

3 C. Each public school shall maintain copies of the
4 questionnaires and surveys completed pursuant to Sections 3 and
5 5 of the School Athletics Equity Act and all materials relied
6 upon to complete the questionnaires for at least three years.
7 Each public school shall publish questionnaires and survey
8 results in a newspaper of general distribution in the state or
9 make them prominently available on a publicly accessible web
10 site."

11 Section 7. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] REPORTING TO LEGISLATURE.--By October 1,
14 2010, the department shall submit a report to the legislature
15 regarding compliance with Title 9 athletics equity requirements
16 in public schools. The report shall include a summary of the
17 information received from the public schools through the
18 questionnaires and the student interest surveys. The report
19 shall include recommendations on how to increase gender equity
20 in athletics in public schools, and the department shall post
21 the report in a prominent and publicly accessible manner on its
22 web site."

23 Section 8. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] ASSURANCE OF COMPLIANCE.--Each public

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1 school shall submit an assurance of compliance with Title 9 and
2 the School Athletics Equity Act to its local school board and
3 provide a copy to the department at the commencement of each
4 school year and no later than October 1. The assurance must be
5 signed by the public school's athletics director or directors,
6 principal or administrative leader and Title 9 compliance
7 officer. The department shall submit to the New Mexico
8 activities association and publish, in a newspaper of general
9 distribution in the state or on a publicly accessible web site
10 in a prominent manner, a list of public schools that fail to
11 timely submit an assurance of compliance with Title 9 and the
12 School Athletics Equity Act. The department is authorized to
13 design and disseminate a standard form regarding assurance of
14 compliance."

15 Section 9. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] ENFORCEMENT.--The department may audit
18 local school boards, school districts and public schools
19 regarding compliance with Title 9 and the School Athletics
20 Equity Act, investigate possible violations of Title 9 and of
21 the School Athletics Equity Act and submit summary reports to
22 the legislature pursuant to that act. If the department
23 determines that a local school board, school district or public
24 school is not in compliance with Title 9 or any provision of
25 the School Athletics Equity Act, the department may issue a

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1 letter of public censure; withhold the transferring of federal
2 funds to noncompliant local school boards, school districts or
3 public schools; apply to the district court for an injunction,
4 writ of mandamus or other appropriate relief as provided in
5 Paragraph (3) of Subsection B of Section 22-2-1 NMSA 1978; or
6 take actions to suspend the local school board as provided in
7 Section 22-2-14 NMSA 1978. The department shall provide
8 technical assistance to local school boards, school districts
9 and public schools to assist in their compliance with Title 9
10 and the School Athletics Equity Act."

11 Section 10. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] DEPARTMENT POWERS AND DUTIES.--The
14 department shall regulate local school boards', school
15 districts' and public schools' compliance with Title 9 in its
16 capacity as the state entity authorized to accept gifts or
17 grants from the federal government in aid of education pursuant
18 to Section 22-9-1 NMSA 1978, and in its capacity as the state's
19 sole educational agency for the administration of funds
20 received by the state by virtue of any federal statute relating
21 to aid for education pursuant to Section 22-9-2 NMSA 1978."

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